

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

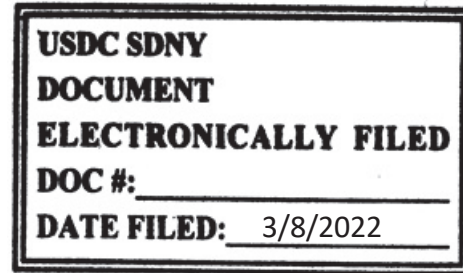
Elían Cruz Morel, et al. on behalf of
themselves and all others similarly situated,

Plaintiffs,

-against-

Green Castle A Mgmt Corp. et al.,

Defendants.



1:19-cv-11307 (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

Currently before the Court is the parties' joint motion for settlement approval of FLSA collective action claims under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). (See Consent Letter, ECF No. 72.) Having reviewed the parties' submission and attached Settlement Agreement (ECF No. 72-1), the Court finds that it is insufficient to show that the Opt-In Plaintiffs are aware of and have consented to the settlement. *See, e.g., Marichal v. Attending Home Care Servs., LLC*, 432 F. Supp. 3d 271, 279 (E.D.N.Y. 2020) ("[T]he named plaintiff and his counsel in a collective action cannot settle a case on behalf of an opt-in plaintiff: the affirmative assent of each opt-in plaintiff—as a party to the case—is required.") (citing cases).

Accordingly, it is hereby Ordered that, no later than March 22, 2022, Plaintiffs' counsel shall file either: (1) a sworn declaration that each of the Opt-In Plaintiffs has consented, in writing,

to the settlement; or (2) a Settlement Agreement signed by all parties, including the Opt-In Plaintiffs. *Accord Stock v. Xerox Corp.*, 516 F. Supp. 3d 308, 311 (W.D.N.Y. 2021).

SO ORDERED.

DATED: New York, New York
March 8, 2022

A handwritten signature in black ink, reading "Stewart D. Aaron". The signature is written in a cursive, flowing style.

STEWART D. AARON
United States Magistrate Judge